IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL No.1750 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04-10-2004 in WVMP No.2891 of 2004 & WPMP No.15951 of 2003 in W.P.No.12828 of 2003 on the file of the High Court.)

Between:

Sri N. Harikishan Reddy, S/o. Malla Reddy,
R/o. 16-2-141/4, Malakpet, Hyderabad.

..... APPELLANT

AND

1 Commissioner, Appeals, O/o. the Chief Commissioner for Land

Administration, A.P. at Hyderabad.

2 The District Revenue Officer, R.R District at Hyderabad.

3 The Assistant Director, Survey Settlement & Land Records,

R.R. District.

4 The Revenue Divisional Officer (East), R.R. District,

Goshamahal, Hyderabad.

5 The Mandal Revenue Officer, Manchal Mandal, R.R. District.

.....RESPONDENTS

Counsel for the Appellant: Mr. P.VENUGOPAL

for Mr. L.HARISH

Counsel for Respondents: G.P. FOR REVENUE

The Court at the admission stage made the following :

ORAL JUDGMENT: (per the Hon'ble the Chief Justice)

Pending the writ petition, order of *status quo* was vacated by the learned single Judge. The writ petition questions the order of Commissioner of Appeals, dated 19th February 2003, which negatived the petitioner-appellant's claim in an extent of Ac.17.00 of land of unaccounted gap of area of Ac.57.01 gts. on the ground that it is adjacent to his patta land in Sy.No.46 of Khanapur village. The very fact that orders passed by first respondent are under challenge in the writ petition and the writ petition stands posted for consideration would go to show that there was some balance of convenience in petitioner's favour and for that purpose, *status quo* order was granted. Vacation of the *status quo* order while keeping the writ petition pending, will amount to changing the *status quo* order during the pendency of the writ petition, thereby bringing in claim of others, which would unnecessarily complicate the issues. Therefore, appropriate course should have been to hear and dispose of the writ petition itself. Suppose, the appellant's writ petition is ultimately allowed, by virtue of the impugned order, it would unnecessarily lead to further litigation. In order to avoid multiplicity of proceedings, it was thought necessary to continue the *status quo* order and to take up the writ petition for consideration.

The writ appeal is accordingly allowed. The impugned order is set aside. Vacate Application filed by the respondents is dismissed. WPMP is allowed. *Status quo* order will continue till the disposal of the writ petition.

The hearing of the writ petition is directed to be expedited. List the writ petition before the appropriate Bench subject to part-heard.

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(DEVINDER GUPTA, C.J.)

24th November 2004.

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(M. NARAYANA REDDY, J.)

ARS

To

1 Commissioner, Appeals, O/o. the Chief Commissioner for Land

Administration, A.P. at Hyderabad.
2 The District Revenue Officer, R.R District at Hyderabad.

3 The Assistant Director, Survey Settlement & Land Records,

R.R. District.
4 The Revenue Divisional Officer (East), R.R. District, Goshamahal,

Hyderabad.
5 The Mandal Revenue Officer, Manchal Mandal, R.R. District.

6 Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

7 Two CD copies.